



COMMITTEE ON
EDUCATION & LABOR
REPUBLICANS

COMMITTEE
STATEMENT

**Statement of Rep. Rick Allen (R-GA), Republican Leader
Subcommittee on Early Childhood, Elementary, and Secondary Education:
Markup of H.R. 2474, the *Protecting the Right to Organize (PRO) Act*
September 25, 2019**

(As prepared for delivery)

“The radical, partisan legislation we are considering today, misleadingly titled the ‘Protecting the Right to Organize’ Act, grants unprecedented power to union leaders at the expense of workers and job creators. This is truly unfortunate.

My Democrat colleagues would have you believe that the situation facing American workers is dire. I’d like to set the record straight. Workers and their families are benefiting from a booming economy. Job opportunities are increasing, wages are growing, and income inequality is shrinking, and blue-collar workers are playing a monumental role in these reversals.

But rather than build upon these successes with policies that promote individual freedom and bolster hardworking Americans, the Democrats are pushing a labor union wish-list masquerading as legislation through this Committee.

The underlying bill is terrible for workers, but the Democrats have managed to make this bill more extreme and more anti-worker by offering this Amendment in the Nature of a Substitute (ANS).

First, the amendment codifies the Obama NLRB’s 2014 *Specialty Healthcare* decision. This radical ruling made it much easier to form micro-unions in workplaces around the country. *Specialty Healthcare* allowed unions to gerrymander the workplace and win an election simply by handpicking a small group of the right employees for the union.

In 2017, the NLRB wisely overturned *Specialty Healthcare* and returned to the long-standing test, the community-of-interest standard, which is a commonsense standard allowing the NLRB to evaluate the interests of all employees—both those in the proposed union and those outside the proposed bargaining unit. Codifying *Specialty Healthcare*, as this amendment would do, would wreak havoc for employers and result in gerrymandered, micro-unions at workplaces around the country.

Second, a new provision in the ANS could force many small businesses to close down. Typically, collective bargaining agreements are renegotiated periodically to reflect changing needs, financial stability, and bargaining priorities. But this amendment locks in costly and out-of-date provisions simply because the two sides reach an impasse over the next contract. If a union is happy with the contract, this eliminates any incentive for them to renegotiate, no matter what it means for the business owner—a great deal for powerful union bosses, but a bad deal for small businesses operating on thin margins.

Third, this amendment overturns a National Labor Relations Board ruling that would allow many workers to vote on the union representing them for the first time ever.

In the interest of union democracy and accountability, earlier this year the Board ruled in the *Johnson Controls* case that an employer could withdraw recognition of a union if it had evidence that the union had lost majority support. If the workers wish to retain the union as their representative, all the union would need to do is refile a petition and win an election—not a problem if the union maintains the support of workers that it claims to have.

Over 90 percent of workers represented by a union today have never voted for the union that represents them. This amendment makes that lack of accountability even worse.

This is not what the future of work in America should look like. It is an insult to all Americans who work tirelessly to pursue the American Dream.”

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